

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 are pending in the present application. Claims 1, 2, 6, 7, 9, 10, 14, 15, 20, 21, 22, and 23 are amended by the present amendment.

In the outstanding Office Action, Claims 1, 6, 7, 9, 14, 15, 21, and 23 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-23 were rejected under 35 U.S.C. § 101; and Claims 1-23 were indicated as allowable if amended to overcome the rejections of record.

Applicants thank the Examiner for the indication of allowable subject matter. In view of this indication, Claims 1, 6, 7, 9, 14, 15, 21, and 23 have been amended as suggested by the outstanding Office Action to better comply with 35 U.S.C. § 112, second paragraph. Further, Claims 1, 2, 6, 7, 9, 10, 14, 15, 20, 21, 22, and 23 have been amended to correct minor informalities. No new matter has been added. Accordingly, it is respectfully requested this rejection be withdrawn.

Regarding the rejection of Claims 1-23 under 35 U.S.C. § 101, independent Claims 1, 9, 21, and 23 have been amended to recite that a calculated thermal comfort index is used to modify the design of a structure as disclosed for example in the specification at page 1, lines 8-22. No new matter has been added. Because amended Claims 1, 9, 21, and 23 now recite an index that is useful in modifying the design of a structure as for example a vehicle, Applicants believe that the rejection under 35 U.S.C. § 101 is overcome.

Accordingly, it is believed that this application is in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Remus F. Fetea, Ph.D.
Registration No. 59,140

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM:RFF\la

I:\ATTY\RFF\24S\243113\243113US-AM.DOC